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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,258	04/25/2001	Katsuhiro Morisada	PY-21	7529

7590 07/13/2005

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/842,258	MORISADA ET AL.	
	Examiner	Art Unit	
	Farzana E. Hossain	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4-25-01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: The description of Figure 3.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-7, 10, 12, 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above mentioned claims all recite "frequency setting means for setting a third frequency

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range removed of a range of +/- approximately 200 kHz about the center frequency + 2 MHz when counting the number of receivable channels of CATV broadcast in a UHF band overlapped with a television channel." The recitation is unclear and the specification does not define the scope of the claims. The terms "approximately 200 kHz" will be treated as a range comprising 200-250 kHz since this is what is disclosed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vegt (US 6,038,433) in view of Sakakibara et al (US 5,479,214 and hereafter referred to as Sakakibara).

Regarding Claims 1, 9, and 11, Vegt discloses a receiver, which conducts a search within a first frequency range or steps (Column 2, lines 42-50) with respect to a center frequency of each channel (Column 2, lines 31-33) to register received data into a memory (Column 2, lines 51-54). Vegt discloses a frequency setting means for setting a second frequency range narrower or smaller than the first frequency range (Column 3, lines 13-18). Vegt does not

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disclose a determining means for determining whether within a terrestrial-wave television broadcast or within a cable television (CATV) broadcast by counting the number of received channels in the second frequency range. Sakakibara discloses a determining means to determine or means to detect whether within a terrestrial-wave television broadcast or within a CATV broadcast by counting (Column 2, lines 1-11) by counting the number of received channels in the second frequency range or zone (Figure 3, Column 4, lines 66-67). It would have been obvious at the time the invention was made to modify Vegt to include a determining means to determine whether in a terrestrial-wave broadcast channel plan or CATV broadcast channel plan (Column 2, lines 1-11) by counting the number of received channels in a frequency zone (Figure 3) as taught by Sakakibara in order to provide an automatic receiving channel setting method of a receiver which allows the receiver to conduct searches of channels and judge or determine whether the broadcasts are television (TV) or CATV broadcasts.

6. Claims 2, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vegt over Sakakibara as applied to claim 1 above, and further in view of Sugibayashi et al (US 4,594,611 and hereafter referred to as "Sugibayashi").

Regarding Claim 2, Vegt and Sakakibara disclose all the limitations of Claim 1. Vegt and Sakakibara do not disclose that the second frequency range is a frequency range of approximately  $\pm$  approximately 200 kHz around the center frequency. Sugibayashi discloses that the second frequency range is a frequency range of approximately 200kHz or  $\pm$  240 kHz (Column 3, lines 64-67).

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It would have been obvious at the time the invention was made to modify Vegt in view of Sakakibara to define a second frequency range is a range of  $\pm$  approximately 200 kHz or  $\pm$  240 kHz around the center frequency (Column 3, lines 64-67) as taught Sugibayashi in order to detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

Regarding Claim 13, Vegt and Sakakibara disclose all the limitations of Claim 1. Vegt and Sakakibara do not disclose that the first frequency range is a frequency range of approximately  $\pm$  approximately 2 MHz around the center frequency. Sugibayashi discloses that the first frequency range is a frequency range of  $\pm$  approximately 2 MHz (Column 3, lines 6-19). It would have been obvious at the time the invention was made to modify Vegt in view of Sakakibara to define a second frequency range is a range of  $\pm$  approximately 2 MHz around the center frequency (Column 3, lines 6-19) as taught Sugibayashi in order to detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

Regarding Claim 14, Vegt and Sakakibara disclose all the limitations of Claim 2. Vegt and Sakakibara do not disclose that the first frequency range is a frequency range of approximately  $\pm$  approximately 2 MHz around the center frequency. Sugibayashi discloses that the first frequency range is a frequency range of  $\pm$  approximately 2 MHz (Column 3, lines 6-19). It would have been obvious at the time the invention was made to modify Vegt in view of Sakakibara to define a second frequency range is a range of  $\pm$  approximately 2 MHz around the center frequency (Column 3, lines 6-19) as taught Sugibayashi in order to

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detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sakakibara (US 6,798,463).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FEH

July 5, 2005

  
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